UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/399,578	09/20/1999	DANIEL L. MARKS	AIS-P99-1	2427

7590 10/19/2012

PETER K TRZYNA
P.O.BOX 7131
CHICAGO, IL 606807131

EXAMINER	
WINDER, PATRICE L	

ART UNIT	PAPER NUMBER
2452	

MAIL DATE	DELIVERY MODE
10/19/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/399,578	MARKS, DANIEL L.	
	Examiner	Art Unit	
	PATRICE WINDER	2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 October 2011*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) *See Continuation Sheet* is/are pending in the application.

5a) Of the above claim(s) *862-876,879-883,886-890,963-972,977 and 989-995* is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *See Continuation Sheet* is/are rejected.

8)☒ Claim(s) *18-34, 75-85,207-223,431-434,436-449,509-519,521-525, 729-732 and 984* is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 1-164,166-291,309-366,376-408,410-502,504-519,521-536,538-553,555-570,572-598,600-631,726-754,845-892 and 955-995.

Continuation of Disposition of Claims: Claims rejected are 1-17,35-74,86-164,166-206,224-291,309-366,376-408,410,413-430,450-502,504-508,526-536,538 -553,555-570,572-631,726-754,846-862,877,878,884,885,891,892,955 -962,973-976,978- 983 and 985-988.

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09/399,578	20 September, 1999	MARKS, DANIEL L.	AIS-P99-1

PETER K TRZYNA
P.O.BOX 7131
CHICAGO, IL 60680-7131

EXAMINER	
PATRICE WINDER	
ART UNIT	PAPER
2452	20121011

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Finality of office action mailed 02/28/2012 is hereby withdrawn.

/Patrice L. Winder/ Primary Examiner, Art Unit 2452	THU NGUYEN SPE Art Unit 2452

PTO-90C (Rev.04-03)

DETAILED ACTION

1. Finality of office action mailed 02/28/12 is hereby ***withdrawn***. A Shortened statutory period for reply is hereby re-set to expire THREE MONTHS from the mailing date of this enclosed office action.

2. This hereby enclosed office action maintains **all** grounds of rejections as raised in the final action dated 02/28/12. This hereby office action does not raise new grounds of rejections nor changes the evidence relied upon in support **of** the **rejection(s)** with respect to prior art under 35 U.S.C. §102/103. This hereby office action does not set forth a change in the discussion **of**, or rationale in support **of**, the **rejection(s) in the final action** with respect to prior art under 35 U.S.C. §102/103. This hereby office action merely clarifies the record with respect to the nonstatutory double patenting rejections raised on final office action mailed 02/28/12.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re LongL 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Omum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321 (c) or 1.321 (d) may be used to overcome an actual or provisional rejection based on a nonstatutory double

patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-164, 166-291, 309-366, 376-408, 410-502, 504-519, 521-536, 538-553, 555-570, 572-598, 600-631, 726-754, 845-861, 877-878, 884-885, 891-892, 955-962, 973-976, 978-988 are rejected provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-63 of copending Application No. **11/510,351**. (hereafter the '578 patent)

Although the conflicting claims are not identical, they are not patentably distinct from each other because all claims recite a variation as hereby discussed:

09/399,578 (10/27/11)	***11/510,351 (11/17/11)***
435. A system to communicate over an Internet network, the system including:	19. An apparatus to communicate via an Internet network, the apparatus including:
a computer system including a controller computer and a database which serves as a repository of tokens for other programs to access, thereby affording information to each of a plurality of participator computers which are otherwise independent of each other;	a computer system including a controller computer and a database which serves as a repository of tokens for other programs to access, thereby affording information to each of a plurality of participator computers which are otherwise independent of each other,
the controller computer system in communication with a first of the participator computers responsive to a first authenticated user identity and with a second of the participator computers responsive to a second authenticated user identity;	the computer system in communication with each of the participator computers, responsive to a respective authenticated user identity, wherein the computer system: stores, for a first of the user identities, a respective authorization associated with multimedia data communication, and allows the participator computers to send in real time via the Internet network, and, based on the respective authorization, cause the multimedia data to be presented at one of the participator computers corresponding to a second of the user identities.
wherein the computer system:	20. The apparatus of claim 19, wherein both of the two client software alternatives cause the

determines whether the first user identity and the second of the user identity are able to form a group to send and to receive communications;	respective user identities to be recognized by the controller computer system and allow at least some of the participator computers to form at least one group in which members can send communications and receive communications from another of the members
determines whether the first user identity is censored from data in the communications, the data presenting at least one of a pointer, video, audio, a graphic, or multimedia; if the user identities are determined to be able to form the group, forms the group and facilitates receiving the communications that are sent and not censored from the second participator computer to the first participator computer, and if the first user identity is censored from the data, does not facilitate the data that is censored to be presented from the second participator computer to an output device corresponding to the first participator computer.	and wherein the at least one of client software alternatives allows the controller computer system to determine whether at least one of the user identities, individually, is censored from data representing at least one of a pointer, video, audio, graphic, or multimedia such that the data that is censored is not presented by the corresponding participator computer.

Features between conflicting claims, although worded differently, are substantially the same or capable of performing the same function. An exemplified comparison of claim 435 of the current application to claim 19 in combination of claim 20 of '351 patent are shown in the table above.

Although the conflicting claims are not identical, they are not patentably distinct from each other. Claim 435 of the current application describes a computer apparatus performing similar function as described in the system of claims 19 and 20 in broader scope by eliminating features such as real time communication and storing, for a first of the user identities, a respective authorization associated with multimedia data communication. It would have been obvious to one of ordinary skill in the art at the time the invention was made to omitting certain feature to fit a particular need or design because omitting features as needed requires only routine skill in the arts.

Similar analysis should be applied to the remaining claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-164, 166-291, 309-366, 376-408, 410-502, 504-519, 521-536, 538-553, 555-570, 572-598, 600-631, 726-754, 845-861, 877-878, 884-885, 891-892, 955-962, 973-976, 978-988 are rejected provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-58 of copending Application No. **11/510,463**. (hereafter the '463 application)

11510463 (09/19/11)	**09/399,578 (10/27/11)**
39. An apparatus to distribute a communication via an Internet network, the apparatus including:	435. A system to communicate over an Internet network, the system including:
a first participator computer communicatively connected to a computer system, the first independent computer being connected in association with a user identity, and a communication link between the first participator computer and a second participator computer, the computer system including a computer and a database which serves as a repository of tokens for other programs to access, thereby affording information to each of the participator computers which are otherwise independent of each other;	a computer system including a controller computer and a database which serves as a repository of tokens for other programs to access, thereby affording information to each of a plurality of participator computers which are otherwise independent of each other; the controller computer system in communication with a first of the participator computers responsive to a first authenticated user identity and with a second of the participator computers responsive to a second authenticated user identity;
48. The apparatus of claim 39, wherein the data includes data representing a member-associated image.	wherein the computer system: determines whether the first user identity and the second of the user identity are able to form a group to send and to receive communications;
Whereby the first participator computer communicates a pointer from the first independent computer to the computer system, and the second participator computer receives the pointer from the computer system and invokes the pointer to fetch and to receive the communication from the first participator computer, via the communication link, in real time, and via the Internet network, wherein the communication includes data representing at least one of video, a graphic, sound, or multimedia, such that the second independent computer can present the communication including a sound, a video, a	determines whether the first user identity is censored from data in the communications, the data presenting at least one of a pointer, video, audio, a graphic, or multimedia; if the user identities are determined to be able to form the group, forms the group and facilitates receiving the communications that are sent and not censored from the second participator computer to the first participator computer, and if the first user identity is censored from the data, does not facilitate the data that is censored to be

graphic, or multimedia independent of the first participator computer. 40. The apparatus of claim 39, wherein the computer system is further programmed to determine whether the pointer is censored.	presented from the second participator computer to an output device corresponding to the first participator computer.

Features between conflicting claims, although worded differently, are substantially the same or capable of performing the same function. An exemplified comparison of claim 435 of the current application to claim 39 in combination of claim 40 and 48 of '463 are shown in the table above.

Claim 435 of the current application describes a computer apparatus performing similar function as the apparatus of claim 39-40 and 48 of '463 in broader scope by eliminating "the second participator computer receives the pointer from the computer system and invokes the pointer to fetch and to receive the communication from the first participator computer". However, it would have been obvious to eliminate certain available features based on the specific need since eliminating available feature to fit a certain application requires only routine skill in the arts

Claims 39-40 and 48 of '463 do not explicitly teach " if the first user identity is censored from the data, does not facilitate the data that is censored to be presented from the second participator computer to an output device corresponding to the first participator computer." As taught in claim 435. However, claim 40 of '463 teaches that the computer system is programmed to determine whether the pointer is censored. It would have been both well known and obvious to facilitate or not facilitate presenting the pointer data to a device based on the censor status of the pointer since censoring status

is commonly used to determine if such the data could be presented to a particular device.

Similar analysis should be applied to the remaining claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-164, 166-291, 309-366, 376-408, 410-502, 504-519, 521-536, 538-553, 555-570, 572-598, 600-631, 726-754, 845-861, 877-878, 884-885, 891-892, 955-962, 973-976, 978-988 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-84 of copending Application No. **11/510,473**. (hereafter the '473 application)

11/510,473 (09/19/11)	**09/399,578 (10/27/11)**
2. A method of communicating via an Internet network by using a computer system	1. A method of communicating via an Internet network by using a computer system including
including a controller computer and a database which serves as a repository of tokens for other programs to access, thereby affording information to each of a plurality of participator computers which are otherwise independent of each other,	a controller computer and a database which serves as a repository of tokens for other programs to access, thereby affording information to each of a plurality of participator computers which are otherwise independent of each other,
the method including: affording some of the information to a first of the participator computers via the Internet network, responsive to an authenticated first user identity; and affording some of the information to a second of the participator computers via the Internet network, responsive to an authenticated second user identity;	the method including: affording some of the information to a first of the participator computers via the Internet network, responsive to an authenticated first user identity; and affording some of the information to a second of the participator computers via the Internet network, responsive to an authenticated second user identity; and
determining, by the computer system, which one or ones of the participator computers can communicate communications with at least one other of the participator computers; 5. The method of claim 4, further including: determining whether a first of the user identities is censored from access to the member-associated	determining whether the first user identity and the second user identity are able to form a group to send and to receive communications; and determining whether the first user identity is censored from receiving data in the communications, the data presenting at least one of a pointer, video, audio, a graphic, or multimedia;

image corresponding to a second user identity; 14. The method of claim 2, wherein at least some of the communications include data representing multimedia.	and
2. receiving, by the computer system, at least some of the communications in real time via the Internet network; providing, by the computer system to at least one of the participator computers, a member-associated image and member identity information corresponding to one of the user identities. if the first identity is censored, not allowing access to the member-associated image; and if the first user identity is not censored, allowing access to the member-associated image.	if the user identities are able to form the group, forming the group and facilitating receiving the communications that are sent and not censored from the second participator computer to the first participator computer, wherein the receiving is in real time and via the Internet network, and if the first user identity is censored from the receiving of the data, not allowing the data that is censored to be presented from the second participator computer to an output device of the first participator computer.

Features between conflicting claims, although worded differently, are substantially the same or capable of performing the same function. An exemplified comparison of claim 1 of the current application to claim 2 in combination of claims 5 and 14 of '473 are shown in the table above.

Claims 2, 5 and 14 of '473 do not explicitly teach forming a group based on the user identities. However, claim 2 of '473 teaches providing a member-associated image and member identity information corresponding to one of the user identities. It would have been obvious to form participators which could receive the member-associated image into a group in order to facilitate distributing image data to a specific group of participant at the same time without having to check for censorship for each individual participators at the time of distribution of the image.

Similar analysis should be applied to the remaining claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-164, 166-291, 309-366, 376-408, 410-502, 504-519, 521-536, 538-553, 555-570, 572-598, 600-631, 726-754, 845-861, 877-878, 884-885, 891-892, 955-962, 973-976, 978-988 are rejected provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-37 of copending Application No. **11/836,633**.

Although the conflicting claims are not identical, they are not patentably distinct from each other because all claims recite a variation as hereby discussed:

11/836,633 (09/19/11)	**09/399,578 (10/27/11)**
1. A method of communicating content among users using of a computer system	1. A method of communicating via an Internet network by using a computer system including
a computer system including a controller computer and a database which serves as a repository of tokens for other programs to access,	a controller computer and a database which serves as a repository of tokens for other programs to access,
thereby affording information to each of a plurality of participator computers which are otherwise independent of each other,	thereby affording information to each of a plurality of participator computers which are otherwise independent of each other,
affording some of the information to a first of the participator computers via the Internet network, responsive to an authenticated first user identity;	the method including: affording some of the information to a first of the participator computers via the Internet network, responsive to an authenticated first user identity; and
affording some of the information to a second of the participator computers via the Internet network, responsive to an authenticated second user identity; and running controller software on the controller computer, in accordance with predefined rules, to direct arbitration of which ones of the participator computers interactively connect with an API within a group of the participator computers; and communicating content within the group of the interactively connected said participator computers. 2. The method of claim 1, wherein the communicating content includes communicating at least one of sound, video, graphic, pointer, and multimedia content	affording some of the information to a second of the participator computers via the Internet network, responsive to an authenticated second user identity; and determining whether the first user identity and the second user identity are able to form a group to send and to receive communications; and determining whether the first user identity is censored from receiving data in the communications, the data presenting at least one of a pointer, video, audio, a graphic, or multimedia; and if the user identities are able to form the group, forming the group and facilitating receiving the

14. The method of claim 1, wherein the communicating is in real time. 15. The method of claim 1, wherein the communicating is conducted over the network, including the Internet. 12. The method of claim 1, further including determining censorship of the content.	communications that are sent and not censored from the second participator computer to the first participator computer, wherein the receiving is in real time and via the Internet network, and if the first user identity is censored from the receiving of the data, not allowing the data that is censored to be presented from the second participator computer to an output device of the first participator computer.

Features between conflicting claims, although worded differently, are substantially the same or capable of performing the same function. For example, claims 1-2 and 12, 14-15 of '633 copending application includes the "repository token…", "affording information…" and "pointer.." limitations/features in the same manner as claims 1 of instant application. An exemplified comparison of claim 1 of the current application to claim 1 in combination of claims 2, 12, 14-15 of '633 are shown in the table above.

Claim 1 of '578 does not teach "running controller software on the controller computer, in accordance with predefined rules, to direct arbitration of which ones of the participator computers interactively connect with an API within a group of the participator computers" as claimed in claim 1 of '633. However, it would have been obvious to one of ordinary skill in the art to eliminate certain available features in order to fit a special application.

Similar analysis should be applied to the remaining claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Supplemental amendments

Supplement amendments were filed on August 1, 2011 and October 27, 2011. The examiner believes by entering both supplemental amendments the issues have been reduced for appeal.

Response to Amendment

The affidavit under 37 CFR 1.132 filed August 1, 2011 is insufficient to overcome the rejection of claims based upon the Shastra as set forth in the last Office action because: applicant's rebuttal lacks evidence to support the assertion that there would be no motivation to combine Shastra collaboration system with a "control computer database serves as a repository of tokens for other programs to access, thereby affording information to otherwise independent computer systems". The evidence submitted to support the affidavit includes program code, dissertation and articles. Applicant has not pointed to anything specific in disclosed information that speculates or forecasts the utility of the Shastra system. Therefore, the affidavit is insufficient to support the assertion that the Shastra system would not provide motivation to incorporate a "control computer database serves as a repository of tokens for other programs to access, thereby affording information to otherwise independent computer systems".

Allowable Subject Matter

Claims 18-34, 75-85, 207-223, 431-434, 436-449, 509-519, 521-525, 729-732 and 984 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach or suggest the following items.

Wherein the facilitating receiving the communications that are sent from the second participator computer to the first participator computer includes facilitating receiving communications that include an Internet URL, and further including handling the Internet URL via the controller computer system so as to find content specified to by the Internet URL, and facilitating presenting the content at the output device (claims 18-34).

Wherein the determining whether at least one of the first user identity and the second user identity, individually, is censored from data includes determining whether a parameter corresponding to the first user identity has been determined by an other of the user identities.

Wherein the computer system facilitates receiving the communications that are sent from the first participator computer to the second participator computer that include at least one Internet URL, and wherein the computer system finds the content specified by the Internet URL and facilitates presenting the content to the output device (claims 431-434, 436-449).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-17, 35-74, 86-164, 166-206, 224-291, 309-366, 376-408, 410, 413-430, 450-502, 504-508, 526-536, 538-553, 555-570, 572-631, 726-754, 846-862, 877-878, 884-885, 891-892, 955-962, 973-976, 978-983, 985-988 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al., USPN 5,941,947 (hereafter referred to as Brown) in view of Paul Tarau et al. LogiMOO: an Extensible Multi-User Virtual World with Natural Language Control (hereafter referred to as Tarau),

Brown taught communicating via an Internet network by using a computer system including a controller computer and a database which serves as a repository of tokens for other programs to access, thereby affording information to each of a plurality of participator computers which are otherwise independent of each other (column 8, lines 37-39, 47-67; column 15, lines 38-52).

Brown taught affording some of the information to a first of the participator computers via the Internet network, responsive to an authenticated first user identity (column 9, lines 13-32); and affording some of the information to a second of the participator computers via the Internet network, responsive to an authenticated second user identity (column 9, lines 13-32).

Brown taught determining whether the first user identity and the second user identity are able to form a group to send and to receive communications (column 11, lines 3-26; column 20, lines 19-27).

Brown taught determining whether the first user identity is censored from receiving data in the communications, the data presenting at least one of a pointer, video, audio, a graphic, or multimedia (column 9, lines 50-55, censoring taught by user role and exclusion rights).

Brown taught the following conditions: if the user identities are able to form the group, forming the group and facilitating receiving the communications that are sent and not censored from the second participator computer to the first participator computer, wherein the receiving is in real time and via the Internet network (user role, column 17, lines 35-55; column 18, lines 6-32), and if the first user identity is censored from the receiving of the data, not allowing the data that is censored to be presented from the second participator computer to an output device of the first participator computer (viewer role, column 17, lines 35-55; column 18, lines 6-32). Brown does not specifically teach a pointer or a pointer triggered message. However, Brown taught an on-line service providing real time communications including games. Tarau taught a pointer or a pointer triggered message within the communications of the LogiMOO game (page 8, lines 1-28, 53-62; page 13, Table1, give and take commands). It would have been obvious to one or ordinary skill in the art at the time the invention was made that incorporating Tarau's pointer or pointer triggered message in Brown's system for regulating access to on-line service would have expanded utility. The motivation would

have been to integrate an on-line game service as suggested by Brown and provide another on-line service to users.

(Claims 170, 435, 604, 877-878, 884-885, 891-892, 955-962, 973-976, 978-982, 985-988 are rejected on the same rationale as claim 1, above)

Brown taught wherein determining whether the first user identity is censored from the data presenting the pointer, the video, the audio, the graphic, the multimedia (column 9, lines 50-55; viewer role, column 17, lines 35-55, the graphic and multimedia = Internet content) (Tarau taught pointer, page 8, lines 1-28, 53-62) (claims 2-17).

Brown taught determining whether at least one of the first user identity and the second user identities, individually, is censored from sending in the communications data presenting at least one of a pointer, video, a graphic, or multimedia (column 9, lines 50-55; content category = type of Internet content, Internet content = the graphic, column 23, lines 40-55) (Tarau taught pointer, page 8, lines 1-28, 53-62);

facilitating sending the communications that are not censored from the sending, from the first participator computer to the second participator computer, wherein the sending is in real time and via the Internet network (user role, column 17, lines 35-55); and

if the first user identity is censored from the sending, not allowing the data that is censored to be sent from the first participator computer to the second participator computer (viewer role, column 17, lines 35-55) (claims 35-51).

Brown taught including determining whether at least one of the communications is censored based on content (censored by Internet category, column 23, lines 40-55). (claims 52-68).

Brown taught determining a user age corresponding to each of the user identities (column 20, lines 28-42) (claims 69-74).

Brown taught including determining a user age corresponding to each of the user identities (column 20, lines 28-42) (claims 103-119).

Brown taught wherein each said user identity is associated with a respective particular user's stored access rights, which determine whether the corresponding said user identity is censored from receiving, in the communications, data presenting at least one of a pointer, video, audio, a graphic, or multimedia (exclusion table, column 23, lines 40-58, Internet content = graphic) (Tarau taught pointer, page 8, lines 1-28, 53-62) (claim 120-164, 166-169, 171-184).

Brown taught wherein receiving the communications includes causing presentation of some of the communications by one of the plurality of participator computers in the group (column 17, lines 35-55) (claim 185).

Brown taught including, when the data is censored, not receiving the communications that are censored based on the individual user identity, and not presenting the data that is censored to the corresponding output device wherein, if the first user identity is censored, not allowing the communications that include the data that is censored (viewer role, column 17, lines 35-55) (claim 186).

Brown taught wherein the computer system is comprised of an Internet service provider computer (on line services network, column 7, lines 18-33) (claims 187, 309).

Brown taught including: storing, for the first user identity, an authorization associated with presentation of graphical multimedia (content category of Internet content includes graphical multimedia, column 23, lines 40-58); and

based on the authorization, presenting facilitating presentation of the graphical multimedia at an output device corresponding to the second user identity (column 23, lines 7-18, 40-55) (claims 188, 310, 450, 578).

Tarau taught further including:

providing the first user identity with access to a member-associated image corresponding to the second user identity (provide access to home page through URL, page 8) (claims 189, 311, 451, 579).

Brown taught further including: determining whether the first user identity is censored from access to a member-associated image (internet content category, column 23, lines 7-18) corresponding to the second user identity;

if the first user identity is censored, not allowing access to the member-associated image (viewer role, column 17, lines 35-55; column 23, lines 40-58); and

if the first user identity is not censored, allowing access to the member-associated image (user role, column 23, lines 40-58) (claims 190, 312, 452, 580).

Brown taught wherein the determining whether the first user identity is censored includes determining that the first user identity is censored from the sending of the data presenting the pointer, the video, the audio, the graphic, the multimedia (viewer role,

column 17, lines 35-55) (Tarau taught a pointer, page 8, lines 1-28, 53-62) (claim 191-206).

Brown taught determining whether at least one of the communications is censored based on content (Internet category, column 23, lines 7-18, 40-58) (claims 224-240).

Brown taught determining whether the first user identity and the second user identity are able to form a group includes determining from access rights stored by user in the database that neither of the user identities is censored (column 20, lines 19-27) (claims 86-102, 241-257, 577).

Brown taught determining a user age corresponding to each of the user identities (column 20, lines 28-42) (claims 258-274).

Brown taught at least one of the communications includes data presenting a human communication of sound (column 9, lines 50-55) (claims 275-291).

Brown taught wherein the determining whether the first user identity is censored includes determining that the first user identity is censored from the sending of the data presenting the pointer, the video, the audio, the graphic, the multimedia (viewer role, column 17, lines 35-55, Internet content = the graphic) (Tarau taught pointer, page 8, lines 1-28, 52-63) (claims 313-366, 376-379).

Brown taught wherein the data presents the pointer, the video, the audio, the graphic, the multimedia (column 9, lines 50-55, Internet content = the graphic) (Tarau taught pointer, page 8) (claims 380-395).

Brown taught wherein the computer system is further programmed to determine whether at least one of the communications is censored based on content (Internet content category, column 23, lines 40-55) (claims 396-408, 410-413).

Brown taught wherein the computer system is further programmed to determines whether at least one of the first user identity and the second user identity, individually, is censored from sending the communications data presenting at least one of the pointer, the video, the graphic, or the multimedia (viewer role, column 17, lines 35-55, Internet content = the graphic) (Tarau taught a pointer, page 8, lines 1-28, 53-62), and

facilitating sending the communications that are not censored from the sending (user role, column 17, lines 35-55) (Claims 414-430).

Brown taught wherein the data represents a pointer that a message on demand the computer system associates each said user identity in the group with a respective particular user's stored access rights (column 20, lines 19-27), which determine whether the corresponding said user identity is censored from receiving, and whether the corresponding said user identity is censored from sending, in the communications, data presenting at least one of a pointer, video, audio, a graphic, or multimedia (column 23, lines 35-55, Internet content = a graphic) (Tarau taught a pointer triggered message, page 8, lines 1-28, 53-62) (claims 453-492, 581-598, 600-603, 605-631).

Brown taught wherein the data presents the pointer, the video, the audio, the graphic, the multimedia (column 9, lines 50-55) (claims 493-502, 504-508).

Brown taught wherein the computer system determines at least one of the communications is censored based on content (content category, column 23, lines 40-55) (claims 526-536, 538-542).

Brown taught wherein at least one of the communications includes a human communication of sound (column 9, lines 50-55) (claims 543-553, 555-559).

Brown taught wherein the computer system is further programmed to determine from access rights stored by user that neither of the first user identity and the second user identity is censored from the group (column 20, lines 19-27; column 22, lines 58-67) (claims 560-570, 572-577).

Brown taught wherein at least one of the communications includes data presenting sound, presenting video and presenting sound and video (column 9, lines 50-55) (claims 726-728).

Brown taught further including: storing, for the first user identity, an authorization associated with presentation of graphical multimedia (Internet content = graphical multimedia, column 23, lines 40-58); and

based on the authorization, presenting allowing presentation of the graphical multimedia at the participator computer corresponding to the second user identity (column 17, lines 35-55) (claims 729, 737-740).

Brown taught wherein the graphical data includes graphical multimedia data (Internet content = graphical multimedia, column 23, lines 35-55).

Brown taught wherein at least one of the communications includes data presenting sound and video and sound and video (column 9, lines 50-55) (claims 734-736, 741-743, 748-750, 846-848)

Brown taught wherein the computer system is further programmed to provide the participator computer corresponding to the first user identity with access to a member-associated image corresponding to the second user identity (Internet content by category, column 23, lines 30-33) (Tarau taught member-associated image of home page, page 8, lines 1-28) (claims 744-747, 751-754, 849-852).

Brown taught wherein the computer system is further programmed to: send and receive communications between members in a group, the communications including data presenting at least one of video, sound, a graphic, or multimedia (column 9, lines 50-55; column 20, lines 19-27),

receive the communications being sent and received in real time via the Internet network (column 9, lines 50-55) (claim 845).

Brown taught further including sending and receiving communications between members in a group (column 20, lines 19-27), the communications including data presenting at least one of video, sound, a graphic, or multimedia, the receiving in real time via the Internet network (column 9, lines 50-55) (internet content = graphic) (claim 853).

Brown taught wherein the data presents sound, video and sound and video (column 9, lines 50-55) (claims 854-856).

Brown taught further including sending and receiving communications between members in a group (column 20, lines 19-27), the communications including data presenting a member-associated image, sound, and video (member associated image = Internet content, column 9, lines 50-55) (claim 857).

Brown taught further including: store, for the first user identity, an authorization associated with presentation of graphical multimedia (Internet category = graphical multimedia, column 23, lines 7-18); and

based on the authorization, present facilitate presentation of the graphical multimedia at the participator computer corresponding to the second user identity (column 23, lines 40-55) (claims 858-862).

Claims 862-876, 879-883, 886-890, 963-972, 977, 989-995 are withdrawn.

Brown taught wherein the data includes a pointer that produces a message on demand each said user identity in the group is associated with a respective particular user's stored access rights (column 23, lines 40-58), which determine whether the corresponding said user identity is censored from receiving, in the communications, data presenting at least one of a pointer, video, audio, a graphic, or multimedia (user role and viewer role, column 17, lines 35-55) (Tarau taught a pointer triggered message on demand, page 8, lines 1-28, 53-62) (claim 983).

Response to Arguments

Applicant's arguments with respect to claims listed above have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICE WINDER whose telephone number is (571)272-3935. The examiner can normally be reached on Monday-Friday, 12:00 pm - 8:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu V. Nguyen can be reached on 571-272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrice L Winder/
Primary Examiner, Art Unit 2452

/THU NGUYEN/
Supervisory Patent Examiner, Art Unit 2452